

MODIFIED JUNE 1, 2010

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI

Respondent

v.

JACOB WALDRUP, JR.

Appellant

DOCKET NUMBER **WD70318**

DATE: April 27, 2010

Appeal From:

Circuit Court of Clay County, MO
The Honorable David Paul Chamberlain, Judge

Appellate Judges:

Division Four
Thomas H. Newton, C.J., Joseph M. Ellis, and Cynthia L. Martin, JJ.

Attorneys:

S. Kate Webber, Kansas City, MO

Counsel for Appellant,

Attorneys:

Shaun J. Mackelprang, Jefferson City, MO

Counsel for Respondent.

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

STATE OF MISSOURI, Respondent, v.
JACOB WALDRUP, JR., Appellant

WD70318

Clay County

Waldrup was a passenger in a vehicle that was stopped at a routine checkpoint. Waldrup and the driver were asked to exit the car because of the troopers' observations of Waldrup. A trooper ran a computer check on the driver's license while another trooper frisked Waldrup for weapons; and no weapons were found. Waldrup was asked to provide identification information. After issuing a citation to the driver for operating a vehicle with a suspended license, a trooper performed a computer check on Waldrup's information. The other trooper remained with Waldrup. The trooper returned and arrested Waldrup on outstanding arrest warrants. Immediately thereafter, a trooper searched Waldrup and discovered crack cocaine. Waldrup was charged with possession of a controlled substance. Waldrup sought to suppress the evidence as the product of an unlawful seizure. The trial court denied his motions. The evidence was introduced at trial, and Waldrup was convicted and sentenced to twelve years as a persistent offender. Waldrup appeals the trial court's decision denying his motions to suppress.

REVERSED AND REMANDED.

Division Four Holds:

We grant Waldrup's sole point because the evidence should have been suppressed as the product of an unlawful seizure. Police are allowed to detain individuals for a short time to investigate their reasonable suspicion of criminal activity; the scope of the investigation is limited to its underlying justification. A detention that extends beyond the scope may lose its lawfulness unless new grounds for further detention are discovered. The trooper was justified in frisking Waldrup for weapons while the driver was being investigated because Waldrup's reaction to the troopers' presence supported a finding of reasonable suspicion that he was concealing a weapon. The trooper was also justified in requesting Waldrup's identification information. However, after the suspicions for the stop had been eradicated, justification for detaining Waldrup ended. Consequently, further detention of Waldrup to perform a computer check of his identification constituted an unlawful seizure.

Because the arrest was based on information obtained from the unlawful seizure, the arrest was not valid. Because the arrest was invalid, the accompanying search was unlawful. Because the search was unlawful, the fruits of the search—the crack cocaine and related testimony—were inadmissible. The trial court erred in failing to grant the motions to suppress. Therefore, we reverse the conviction and remand the case.

Opinion by Newton, C. J.

April 27, 2010

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